

**CEMETERY BOARD  
MEETING MINUTES  
SEPTEMBER 29, 2009**

**PRESENT:** E. Glen Porter III, Timothy Stanley, Cecelia Timmons, Mary Lehman, Kathleen Cantu, and W. Ed Greenfield

**STAFF PRESENT:** Yolanda McGowan, Bureau Director; Peggy Wichmann, Legal Counsel; Michelle Solem, Bureau Assistant

**GUESTS:** Peter Shaw Johnson, Kenosha Cemetery Association

**CALL TO ORDER**

E. Glen Porter III called the meeting to order at 9:36 a.m. A quorum of 6 members was present.

**APPROVAL OF AGENDA**

Discuss Greenwood Cemetery (Kenosha Cemetery Association) correspondence in open session as item G and in closed session under "Consulting with Legal Counsel."

**MOTION:** Kathleen Cantu moved, seconded by W. Ed Greenfield, to approve the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JUNE 16, 2009**

Correct typo in second paragraph on page 6.

**MOTION:** Mary Lehman moved, seconded by Timothy Stanley, to approve the Minutes as amended. Motion carried unanimously.

**ELECTION OF OFFICERS**

Kathleen Cantu nominated E. Glen Porter as chairperson, W. Ed Greenfield at Vice-Chairperson, and Mary Lehman as Secretary. The chair called for additional nominations three times before calling the vote. Nomination carried by unanimous vote.

**ADMINISTRATIVE REPORT –YOLANDA MCGOWAN, BUREAU DIRECTOR**

Yolanda McGowan introduced Michelle Solem as the new Bureau Assistant. She also announced that Peggy Wichmann, Legal Counsel, will be retiring effective November 20. She then explained the staffing changes/issues that the department is facing.

She explained the new practice question program to the Board. She asked the Board to forward practice questions to [Megan.Hummel@Wisconsin.gov](mailto:Megan.Hummel@Wisconsin.gov) and [Yolanda.McGowan@Wisconsin.gov](mailto:Yolanda.McGowan@Wisconsin.gov). The Department asks that the Board members submit additional questions and answers that they have dealt with in the past along with any information that would be helpful for the public and licensees to know.

## **LEGISLATION/ADMINISTRATIVE RULES**

### **Review and Discussion regarding AB 376 Relating to Restitution for Misappropriation from a Cemetery of Certain Objects that Relate to a Veteran**

This bill would make misappropriation of objects relating to a veteran a criminal act. E. Glen Porter asked if a cemetery would be misappropriating objects if they were taking the items off of the gravesite according to the rules and regulations of that cemetery. Peggy Wichmann responded that cemeteries are able to regulate the “decorating” of gravesites and can remove items that are outside of those regulations, provided the rules are reasonable.

### **Status Report Of Potential Rule Changes**

There were 2 separate bills. One was as part of the budget bill (Act 25) that created the Board and the second was in July of 2008. The rules need to be changed to reflect the change in Act 174 (2007) which changes some of the responsibilities from the Department to the Board. Yolanda McGowan is going to work with the interns to draft the changes to the rules that will make the rules consistent with the statutes.

## **CREDENTIALING ISSUES**

### **Review of Cemetery Authority Annual Report Form**

The committee met this morning. They reviewed 5 random cemeteries and the value of their trust funds. There are two types of trusts that are governed by 2 sets of statutes. The Department has been combining these numbers and the committee suggested that the numbers be listed separately. The Board was asked to review the form and bring any changes to the next Board meeting.

## **REQUEST FOR USE OF CARE FUNDS**

The Board reviewed the request from Willow River Cemetery Association to use \$5000 of their perpetual care fund to develop additional property owned by the cemetery. The Board will deliberate in closed session.

Kenosha Cemetery Association, represented by Peter Shaw Johnson, requested authorization to use trust funds. The Board will deliberate in closed session.

## **TRAVEL**

### **Nominate a Delegate to Attend International Cemetery, Cremation and Funeral Association 2010 Convention and Exposition – March 10-13, 2010, San Antonio, TX**

This item was tabled for discussion at the next meeting.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

### **Discussion of Ongoing Efforts to Locate Cemeteries**

E. Glen Porter reported that the Board may get assistance from the James Robertson, director of the Wisconsin Geological and Natural History Survey. The Wisconsin Geological and Natural History Survey has already located 2700 cemeteries in the State of Wisconsin by latitude and longitude. This process is ongoing.

## **MEDIA REPORTS RELATING TO THE REGULATION OF CEMETERIES**

None.

## **DISCUSSION OF FUTURE AGENDA ITEMS**

None.

## **CONVENE TO CLOSED SESSION**

**MOTION:** Cecelia Timmons moved, seconded by Ed Greenfield, to deliberate on cases following hearing (s. 19.85(1) (a), Stats.); consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats.), to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.) Roll Call Vote: E. Glen Porter III- yes, Timothy Stanley- yes, Kathleen Cantu- yes, Mary Lehman- yes, Cecelia Timmons- yes, Ed Greenfield - yes. Motion carried unanimously.

The Board convened into Closed Session at 11:56.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Kathleen Cantu moved, seconded by Cecilia Timmons, to reconvene into open session at 1:09 p.m.. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF  
VOTING IS APPROPRIATE**

**MONITORING REPORT OR ANY RECEIVED AFTER PRINTING OF AGENDA**

None.

**CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR ANY  
RECEIVED AFTER PRINTING OF AGENDA**

**07 RLC 004**

**MOTION:** Ed Greenfield moved, seconded by Kathleen Cantu, to close case 07 RLC 004 due to prosecutorial discretion (P2 – compliance gained). Motion carried

**Deliberation on Proposed Stipulations or any signed after printing of agenda**

None.

**Deliberation on Proposed Administrative Warnings or any received after printing of agenda**

None.

**Proposed Decision or any signed after printing of agenda**

None.

**Deliberation on Disciplinary Actions signed after printing of agenda**

None.

**Petitions for Rehearing received after the printing of agenda**

None.

**Request for Class 1 Hearings or any requested after printing of agenda**

None.

**Application Review or any submitted after printing of agenda**

None.

**Reinstatement Requests or any submitted after printing of agenda**

None.

**Examination Issues**

None.

**Consulting with Legal Counsel**

The Board discussed cemetery finances with legal counsel.

**WILLOW RIVER CEMETERY ASSOCIATION  
REQUEST TO USE TRUST FUNDS**

**MOTION:** Timothy Stanley moved, seconded by W. Ed Greenfield, to table the decision until the next meeting and to have Yolanda McGowan and E. Glen Porter draft a letter to Willow River Cemetery Association requesting additional information for consideration at the December meeting. Motion carried by unanimous vote.

**KENOSHA CEMETERY ASSOCIATION  
REQUEST TO USE TRUST FUNDS**

**MOTION:** Ed Greenfield moved, seconded by Mary Lehman, to table the decision relating to the Kenosha Cemetery Association until the December meeting and to have Yolanda McGowan and Glen Porter draft a letter to Kenosha Cemetery Association requesting additional information for consideration at the December meeting. Motion carried by unanimous vote.

**DOE – SIGNATURES FOR PROPOSED STIPULATIONS, ORDERS, AND  
ADMINISTRATIVE WARNINGS**

None.

**MOTION:** Mary Lehman moved, seconded by Timothy Stanley, to draft a scope statement relating to rule drafting relating to provisions in 157 Stats.. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Kathleen Cantu moved, seconded by W. Ed Greenfield, to adjourn the meeting at 1:15 p.m.. Motion carried unanimously.